

will enhance the reseller's service to the public, and resellers are prepared to insure that the switch is technically compatible with the FCC-licensed cellular carrier's MTSO.²

Nor can there be any doubt that the cellular reseller's enhanced service is in the public interest. From the beginning, the Commission has recognized resellers of common carrier service to be common carriers whose service benefits the public. See Resale and Shared Use of Common Carrier Services and Facilities, 60 FCC2d 261 (1976), recon. denied, 62 FCC2d 588 (1977), aff'd sub nom., AT&T v. FCC, 572 F.2d 17 (2nd Cir.), cert. denied, 439 U.S. 875 (1978). Resale and Shared Use of Common Carrier Domestic Public Switch Network Services, 83 FCC2d 167 (1980). In establishing interconnection policies for services other than cellular, the Commission has never distinguished between facilities-based carriers and resellers. E.g. Specialized Common Carrier Services, 29 FCC2d 850, 940 (1970), recon. denied, 31 FCC2d 1106 (1971), aff'd sub nom., Washington Utilities and Transportation Commission v. FCC, 513 F.2d 1142 (9th Cir.), cert. denied, 423 U.S. 836 (1975) (interconnection ordered for specialized common carriers); AT&T, 91 FCC2d 568 (1982) (ENFIA

² Indeed, cellular carriers have allowed other parties to interconnect at the MTSO at reasonable terms and conditions without any claim of incompatibility or potential harm to the network. For example, United Parcel Service has been allowed for several years to interconnect a networking device to the MTSOs of numerous cellular carriers throughout the nation. Other examples of interconnection undoubtedly exist. Cellular carriers should not be allowed to provide interconnection to certain parties, who may not be competitors, and uniformly deny interconnection to cellular resellers, who are competitors.

tariff applies to resellers); WATS-Related and Other Amendments of Part 69 of the Commission's Rules, 59 RR2d 1418 (1986), recon. denied, 2 FCC Rcd 245 (1987) (resellers of interexchange service pay the same access charges as facilities-based interexchange carriers).

The Commission has similarly found cellular resale to be in the public interest. As the Commission explained in reaffirming its resale policy for cellular, "Resale restrictions were prohibited as a means of policing price discrimination, rectifying potential competitive advantages of the wireline providing service first, and providing some degree of secondary market competition." Cellular Resale Policies, 6 FCC Rcd 1719, 1730 n.67 (1991).

To be sure, the FCC-licensed cellular carriers (and other CMRS providers who do not want the burden of interconnection obligations) have argued and will argue that resale interconnection rights are unwarranted. But those arguments cannot obscure one basic and undisputed fact: cellular resale interconnection will further competition without harming the FCC-licensed carrier's MTSO. Hence, the cellular reseller's right to interconnection must be recognized. See Bell Telephone Company of Pennsylvania v. FCC, 503 F.2d 1250, 1270-71 (3rd Cir. 1974) (Commission finding that interconnection would facilitate the entry of specialized carriers supports Commission's order for interconnection).

B. No Basis to Defer Interconnection
for Cellular Resellers

The Second Report and Order acknowledges that interconnection obligations for CMRS providers could provide public benefits. Thus, the Second Report and Order states that "PCS providers may wish to interconnect with cellular facilities, or vice versa, which could also allow for the advantages of interconnecting with a LEC. Also, we do not wish to encourage a situation where most commercial traffic must go through a LEC in order for subscriber to send a message to a subscriber of another commercial mobile radio service." Second Report and Order, 9 FCC Rcd at 1449. The Commission nonetheless decided to defer consideration of the question whether FCC-licensed cellular carriers and other CMRS providers should be required to offer interconnection to cellular resellers and other CMRS providers.

This deferral cannot be squared with the Commission's obligations under Section 201, the public interest, or, in the case of cellular resellers, the need for immediate action. In an attempt to justify its deferral of action, the Commission stated that its "analysis of this issue must acknowledge that CMRS providers do not have control over bottleneck facilities." Second Report and Order, 9 FCC Rcd at 1499. In the case of cellular resellers, that statement is not true. As explained above, FCC-licensed cellular carriers maintain facilities which are essential to the services which CSI, ComTech and other cellular resellers want to provide. Without access to the FCC-licensed cellular carriers' MTSOs, CSI, ComTech, and other cellular

resellers will be unable to provide the kind of services which consumers demand in an era of growing technological expectations. The FCC-licensed cellular carriers -- who exercise dominant power in the provision of cellular service -- therefore do control bottleneck facilities.³

In any event, FCC-licensed cellular carriers' control of bottleneck facilities is not a prerequisite to the cellular reseller's right to interconnection under Section 201(a). As explained above, a connecting carrier need only show that the interconnection will be privately beneficial without being

³ The cellular resellers' situation thus satisfies the Commission's own definition of "bottleneck facilities." Competitive Carrier Rulemaking, 85 FCC2d 1, 21-22 (1980) (subsequent history omitted) ("[c]ontrol of bottleneck facilities is present when a firm or a group of firms has sufficient command over some essential commodity or facility in its industry or trade to be able to impede new entrants" and "describes the structural characteristic of a market that new entrants must either be allowed to share the bottleneck facility or fail"). The cellular resellers' situation also satisfies the "essential facilities doctrine" in antitrust law. See *MCI Communications v. AT&T*, 708 F.2d 1081, 1132-33 (D.C. Cir. 1983) (antitrust liability will be imposed on a competitor which has monopoly power and denies access to an essential facility which would be infeasible for the proposed competitor to duplicate). It should also be noted that none of the comments in the instant proceeding provided any facts which disputes the cellular resellers' need for interconnection with an FCC-licensed cellular carrier's MTSO. The comments which addressed the issue simply made bald statements without any supporting explanation. E.g. Comments of McCaw Cellular Communications, Inc. (November 8, 1993) at 32 ("[u]nlike the LECs, providers of commercial mobile services enjoy neither monopoly control over essential facilities nor the market dominance that would give them the incentive and ability to create substantial barriers to entry"); Reply Comments of PacTel Corporation (November 23, 1993) at 13 ("CMS providers do not control bottleneck facilities"); Reply Comments of the Cellular Telecommunications Industry Association ("CTIA") (November 23, 1993) at 22 ("absent a monopoly, a firm is free to unilaterally choose to deal or decline to deal with others").

publicly detrimental. None of the comments provides any legal authority to support any other standard.⁴

In support of its decision to defer consideration of the CMRS interconnection issue, the Commission also relied on its observation that "the comments on this issue are so conflicting and the complexities of the issue warrant further examination in the record" Second Report and Order, 9 FCC Rcd at 1449. This observation cannot withstand reasonable scrutiny. To be sure, some parties -- principally the FCC-licensed cellular carriers and their representatives -- opposed any interconnection for cellular resellers. But those comments were premised on the inaccurate claim that the cellular market is competitive and that no party has the incentive or power to deny cellular resellers' access to needed facilities. E.g. Comments of CTIA (November 8, 1993) at 42 (no need to impose interconnection requirements because "commercial mobile services are operating in a competitive environment"); Comments of GTE (November 8, 1993) at 22 ("[t]he competitive nature of the marketplace should assure that service providers are fully responsive to any customer requirements for interconnected service").

In fact -- as the Second Report and Order concludes -- the cellular services market is not fully competitive. Second Report and Order, 9 FCC Rcd 1468. That conclusion comports with CSI's

⁴In its reply comments, for example, CTIA relied on a decision by the United States Supreme Court which was rendered in 1919 -- 15 years before Section 201 was enacted. See Reply Comments of CTIA (November 23, 1993) at 22, citing United States v. Colgate & Co., 250 U.S. 300 (1919).

and ComTech's experience and expectation: FCC-licensed cellular carriers will do everything they can to deny cellular resellers access to needed facilities. And, while there is hope that ESMR and PCS providers will make the market more competitive, there is no assurance as to when -- or if -- that hope will materialize. In the meantime, CSI, ComTech and other cellular resellers have a present need for interconnection; and with such interconnection they can provide much-needed competition to the FCC-licensed cellular carriers now -- not at some distant point in the future.

The Commission should have no illusions about the practical consequences of any decision to defer consideration of the CMRS interconnection issue in a notice of inquiry at some later and unspecified date. That notice of inquiry will take years to resolve.⁵ In the interim, FCC-licensed cellular carriers will undoubtedly be encouraged by the Commission's silence to deny cellular resellers access to needed facilities and thus continue to amass a dominant share of the market. For their part, CSI, ComTech, and other frustrated cellular resellers will be forced to rely on the FCC complaint process -- a blackhole from which no decision is likely to emerge in the near future. Again, the

⁵It bears noting that the Commission is suffering from a shortage of staff and other resources. Even the best of intentions cannot overcome that reality. There is no better illustration of the impact of that shortage than the issuance of PCS licenses. Despite a congressional mandate that the Commission commence the issuance of PCS licenses by May 1994, and despite the long hours of its dedicated staff, the Commission will be unable to commence the PCS auction process until July or August 1994 -- approximately one year after Congress issued its deadline.

ineffectiveness of the complaint process is not a reflection of Commission incompetence or indifference. Rather, it is a question of resources. Unless and until the notice of inquiry produces a new policy and/or new rules, the Commission's overworked staff will have no guidance in trying to resolve any cellular reseller's complaint about interconnection. There is no better illustration of that likelihood than the cellular reseller complaints cited in Second Report and Order -- cases which have been languishing at the Commission since 1991. See Second Report and Order, 9 FCC Rcd at 1499 n. 481.

The appropriate resolution of the interconnection issue for cellular resellers can be guided by the Commission's own pronouncements. In the Second Report and Order, the Commission asserted that success in the marketplace "should be driven by technological innovation, service quality, competition-based pricing decisions, and responsiveness to consumer needs -- and not by strategies in the regulatory arena." Second Report and Order, 9 FCC Rcd at 1420. That observation comports with Congress' direction to the Commission to adopt regulations which "will enhance competition among providers of commercial mobile services." 47 U.S.C. §332(c)(1)(C). To that end, the Commission should (1) explicitly recognize the right of cellular resellers to interconnect with FCC-licensed cellular carriers, (2) direct FCC-licensed cellular carriers to honor the same principles applicable to the LECs in providing interconnection to other carriers (Second Report and Order, 9 FCC Rcd at 1498), and (3)

instead of adopting detailed rules, have the parties adhere to the existing framework for interconnection decisions which requires resolution within six (6) months through good faith negotiations. See Policy Statement of Interconnection of Cellular Systems, 59 RR2d 1283 (1986). That result would comport with the law and facilitate the kind of competition envisioned by Congress and the Commission.

Conclusion

WHEREFORE, in view of the foregoing, it is respectfully requested that the Commission reconsider its Second Report and Order, and, upon reconsideration, recognize that cellular resellers have a right of interconnection under Section 201 and that such interconnection should be provided in accordance with established policies.

Respectfully submitted,

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By: 

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Cellular Service, Inc.
Testimony of Ralph L. Widmar
Reseller Switch Proposal
August 30, 1991
I.88-11-040

1Q. Please state your name, title, and business address.

A. My name is Ralph L. Widmar. I am a partner in Network Intelligence, which is a telecommunications management consulting firm I founded in 1985. My business address is 460 Alma Street, Suite 100, Monterey, CA 93940.

2Q. Please give us a brief resume of your educational background and professional qualifications.

A. I graduated from the University of Colorado in 1978 with a degree in Communications. I went to work for Mountain Bell as a communications consultant and held a variety of positions with Mountain Bell and AT&T. My last position with Mountain Bell was a corporate product and market manager in the Public Services area. I also worked with AT&T and Bell Laboratories on a variety of projects.

3Q. What other work experience do you have in the field of telephony?

A. Upon leaving the Bell system in 1982, prior to divestiture, I became involved with a long distance telephone company that was involved in the resale of and shared use of WATS lines. As a regional vice president of operations, it was my function to coordinate the installation of tandem switching equipment and of telecommunications transmission facilities. I also designed networks and worked on billing systems. I subsequently moved to Monterey, CA in 1984 and became the Operation Manager for Tolemarketing Communications of Monterey, a

long distance reseller. In 1985, I became an independent consultant for both interexchange carriers and local exchange carriers.

4Q. On whose behalf are you appearing in this proceeding?

A. I am appearing on behalf of Cellular Service, Inc. ("CSI").

5Q. What is the purpose of your testimony in this proceeding?

A. I will discuss various features and service offerings that CSI will be able to provide if it is permitted to interconnect its own switch with the Mobile Telephone Service Offices ("MTSOs") of the radio-based cellular carriers and the Public Switched Telephone Network. These services are currently unavailable to the end-user in part because they may be too cumbersome or processor-intensive for the radio-based carriers to provide.

I will also explain how the introduction of the CSI switch can alleviate technical difficulty and economic inefficiency currently associated with roaming by cellular end-users.

6Q. What are some of the features and services CSI will be able to provide as a switch-based resale carrier?

A. The flexibility introduced into the cellular system through CSI's operation of its own switch will enable CSI to provide innovative features and services which can be variously modified to address the needs of individual subscribers. For example, these services and features could include:

Limited Calling Areas. For a reduced monthly rate, CSI could screen calls originated from a cellular telephone to allow completions of calls only within a local calling area, or a calling area that was specified by the customer, or only to particular telephone numbers.

Incoming Call Screening. Only calls from telephone numbers on an "approved" list of numbers (designated by the subscriber and resident in the database of the CSI switch) would be forwarded to the subscriber's cellular telephone.

Distinctive Call Signaling. Calls from particular telephone numbers, resident in the database of the CSI switch for a specific CSI subscriber, can be programmed to signal the subscriber via distinctive tones of specific calling parties such as place of work and home.

Priority Call Waiting. Calls from designated telephone numbers resident in CSI's database would be routed to the cellular telephone directly, while calls from other parties would be routed to voice mail. This would enable the caller to only be interrupted by calls from these designated numbers.

Cellular Extension. A cellular telephone could become an extension of a telephone at the subscriber's office. When a call is placed to the telephone number of the customer's cellular telephone, the CSI could also simultaneously ring a telephone designated by the subscriber.

Cellular PBX. Extension of traditional telephone lines such as Private Branch Exchange ("PBX"), Business lines, and

Residential service into the cellular network can be provided by CSI, as a switch-based reseller. This service would allow a cellular subscriber to be reached by dialing a single number and having the call routed to the subscriber's office phone, car phone or hand-held portable phone.

Cellular Centrex ("CelTrex®") is an additional example of the extension of traditional telephone services that CSI could provide its customers. All of the same features that are now provided on a landline-based system can be provided on a wireless cellular system. CelTrex® can also be combined with the landline-based system to provide a complete communications system for the customer.

Voice Mail Enhancements. When a call is placed to a cellular telephone of a subscriber, and that call is forwarded to the voice mail box where a message is left, CSI could provide the appropriate signaling to telephone numbers specified by the user for message notification.

Dual-System Access. CSI subscribers would have no need to subscribe to service from both radio-based carriers within the same MSA to compensate for the uneven quality of service. Since the CSI switch would be connected to both carriers' systems, it could assign each subscriber a single unique number and switch any call through either carrier's cellular radio network.

Custom Directory Service. CSI would provide customer operator services for its subscribers. One example would be when a subscriber dials a telephone number for information, an

operator could not only inform the user of the desired telephone number, but give the user the option of placing a call to that number without hanging up or redialing.

Cellular Secretary. Using the same technology used to provide the above service, a subscriber could have access to a 24-hour secretarial service that would make travel, hotel and restaurant reservations, and give driving instructions in the local area. This would be an invaluable service for frequent travelers.

Multi-Line Hunting. A subscriber could have multiple cellular telephones that would continue to ring on sequential lines if the first line was busy, similar to the way in which office telephone systems operate.

7Q. Briefly, what are some of the practical problems presently encountered by cellular end-users when roaming?

A. Currently, roaming can be a cumbersome and complicated process. Depending upon the radio-based cellular carrier, a roamer is handled usually in one of four ways: (a) provided service without intervention, (b) provided first call but subsequent calls may or may not be denied, (c) calls are blocked and service is denied until carrier receives a valid form of payment, or (d) all access to the cellular system is denied.

Some radio-based cellular carriers serving areas that have heavy roaming between themselves will interconnect their switches to provide roamers service without intervention. The availability of this "seamless" roaming is limited because the

switches serving the areas must be from the same manufacturer. In addition, the switches must be interconnected with dedicated voice and data circuits.

The most common method of handling roamer traffic today is to allow the first call and then the switch requests a verification of the roamer's status from its home carrier. This involves the use of an external database service known as Positive Roamer Validation ("PRV"). The carrier's switch has a data circuit (anything from dial-up to dedicated) to the PRV service and after the first call is placed, it sends the roamer's identification to the service for validation. This process can take up to an hour or longer to complete, during which the radio-based carrier will usually deny any further service. Moreover, the radio-based carriers normally only provide this service to roamers of like carriers, that is, A block to A block, and B block to B block.

CSI subscribers are hampered by the fact that the only roaming agreements are between radio-based carriers. In addition, several different methods are used to validate and carry subscriber calls. Occasionally CSI subscribers are refused roaming because of problems from one radio-based carrier with another.

8Q. How will the CSI switch affect the current roaming process?

A. CSI will directly connect to switches where it is economically feasible and where its customers have the greatest

amount of roaming needs. By direct connection to radio-based cellular carriers in other cities, where CSI is also a reseller, each of CSI's NPA-NXX codes will be programmed into the radio-based cellular carrier's switch and forwarded to CSI for processing. CSI expects that it would provide greater efficiencies and be charged the same airtime rate for every minute used by each of its customers, based locally or not, thereby eliminating current onerous roaming charges.

9Q. Are there other services that a switch-based cellular reseller can offer in addition to those already mentioned?

A. Most of the services outlined in this testimony are related to features and functions that occur prior to or during call processing. By operating its own switch, CSI could also enable the subscriber to design its own billing format, using a variety of custom billing options. These would include:

Client-Code Billing. A user could enter a two- or three-digit code with each telephone number that is dialed from the cellular telephone, and charges for that call would accrue to the "account" of the client to be billed.

Immediate Billing. This refers to the capability of the CSI switch to output call detail records in real time. This would include both financial verification of calls in addition to unit verification. These records could be made available to customer service representatives, so that a customer who experiences a poor quality call can receive immediate credit. This would also allow customers the ability to establish call limits that would

disallow any further calls above that limit, except for certain telephone numbers and emergency services.

From the switch-based carrier's perspective, pre-set credit limits could be established on a per-customer basis. Customers who present credit risks could be required to pre-pay for service, or could be billed on a more frequent basis.

Billing Computer Link. On a time interval specified by the subscriber, call records could be output from the CSI switch directly to the subscriber's computer system. Large accounts could use this feature to monitor the calls of employees, and non-switch-based cellular resellers would have immediate access to the call detail records of their subscribers.

10Q. Does this conclude your testimony?

A. Yes.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of May, 1994, I caused a true copy of the Petition for Reconsideration of Cellular Service, Inc. and ComTech, Inc. to be served by first-class mail, postage prepaid, upon the following parties:

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Susan Luther

EXHIBIT 2

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

JUN 29 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Implementation of Sections) GN Docket No. 93-252
3(n) and 332 of the)
Communications Act)
)
Regulatory Treatment of)
Mobile Services)

To: The Commission

REPLY TO OPPOSITIONS TO PETITION FOR RECONSIDERATION

Cellular Service, Inc. ("CSI") and ComTech, Inc. ("ComTech"), acting pursuant to Section 1.429 of the Commission's rules and the Public Notice of May 25, 1994 (Report No. 2012), hereby reply to the Oppositions of AirTouch Communications ("AirTouch"), The Bell Atlantic Companies ("Bell Atlantic"), the Cellular Telecommunications Industry Association ("CTIA"), GTE Service Corporation ("GTE"), McCaw Cellular Communications, Inc. ("McCaw"), Nextel Communications, Inc. ("Nextel"), and NYNEX Corporation ("NYNEX") to the Petition for Reconsideration filed by CSI and ComTech with respect to the Second Report and Order, 9 FCC Rcd 1411 (1994).

Introduction

In their petition, CSI and ComTech requested that the Commission recognize the right of cellular resellers to interconnect with the Mobile Telephone Switching Office ("MTSO") of FCC-licensed cellular carriers. Instead of adopting detailed rules, CSI and ComTech proposed that the Commission require the

licensed cellular carriers to engage in the same kind of good faith negotiations which the FCC has mandated for the cellular carriers' interconnection with Local Exchange Companies ("LECs").

All the parties opposing the petition of CSI and ComTech are licensed commercial mobile service providers who obviously want to minimize the burden of the Commission's resale policies. Although their respective oppositions may be justified by economic self-interest, the opposing parties' arguments do not provide any basis to deny the relief requested by CSI and ComTech.

None of the opponents challenges the detailed legal analysis in CSI's and ComTech's petition that interconnection is required as long as the interconnection is privately beneficial without being publicly detrimental. Nor do the opponents describe any specific harm that will befall their particular systems or the public in general if, as requested by CSI and ComTech, licensed cellular carriers are obligated to engage in good-faith negotiations to implement any right of interconnection. And, lastly, the opponents do not and cannot refute CSI's and ComTech's representation that they are prepared to proceed immediately -- if given a right of interconnection -- to install their switch and enhance the cellular resale services available to the public.

There is thus no reasonable basis upon which the Commission can deny CSI's and ComTech's Petition for Reconsideration.

I. Legal Basis for Interconnection Undisputed

There is universal agreement that a cellular reseller's right to interconnection must be decided under Section 201 of the Communications Act of 1934, as amended, 47 U.S.C. §201. E.g., Petition for Reconsideration at 5-6; CTIA Opposition at 9. The opponents nonetheless claim that interconnection is not available to cellular resellers because cellular carriers do not control bottleneck facilities. E.g., GTE Opposition at 2, 4 (cellular carriers do not enjoy "the type of market power that the Commission has found in the past to justify imposing specific interconnection obligations"); McCaw Opposition at 2 (no need to impose interconnection on entities which "lack control over bottleneck facilities"); CTIA Opposition at 10 (interconnection obligations "should only be imposed in those extreme circumstances when dominant carriers . . . control access to essential facilities"); AirTouch Opposition at 4 ("cellular carriers do not control -- and have never controlled -- monopoly telecommunications facilities"). None of the opponents' claims is supported by any citation to any legal authority whatsoever. That omission is not surprising. There is no legal authority to support the opponents' argument.

As CSI's and ComTech's petition pointed out, any request for interconnection under Section 201 must be assessed in light of Hush-a-Phone v. United States, 238 F.2d 266 (D.C. Cir. 1956), and Carterfone, 13 FCC2d 420, recon. denied, 14 FCC2d 571 (1968). Petition for Reconsideration at 6-8, citing AT&T, 60 FCC 2d 939

(1976). Under that line of cases, a carrier's request for interconnection must be deemed reasonable if the interconnection will serve the carrier's need without harming the connecting carrier's operations.

None of the opponents offers any argument -- let alone any authority -- to challenge the legal analysis in CSI's and ComTech's petition. Nor do the opponents offer any basis for the FCC to treat the interconnection rights of a cellular reseller -- a common carrier subject to FCC jurisdiction -- any differently than any other reseller of common carrier services. See Petition for Reconsideration at 9-10 and authorities cited therein.

The only legal argument advanced by the opponents involves a vague assertion by CTIA that the recent judicial decision involving mandatory co-location in an LEC central office undercuts a cellular reseller's right to interconnection. CTIA Opposition at 9 n.7, 10, citing Bell Atlantic Telephone Companies v. FCC, No. 92-1619 (D.C. Cir., June 10, 1994). That assertion is totally unjustified.

In Bell Atlantic, the United States Court of Appeals for the District of Columbia Circuit concluded that the FCC does not have authority "to grant third parties a license to exclusive physical occupation of a section of the LECs' central offices." Slip Opinion at 9. In reaching that conclusion, the court did not restrict the Commission's traditional authority to order interconnection under Section 201 of the Communications Act of

1934. Quite the contrary. The court acknowledged that that power is "undoubtedly of broad scope." Slip Opinion at 9.

Nothing in Bell Atlantic has any relevance to the interconnection requested by CSI and ComTech. That interconnection will not involve a cellular reseller's "exclusive physical occupation of a section of the" cellular carriers' offices. Rather, it will involve the same kind of interconnection which the Commission ordered in AT&T, supra, and in countless other cases -- including the cellular carriers' interconnection to the LECs.

II. No Need For Further Proceedings

In their petition, CSI and ComTech proposed that the cellular resellers' interconnection right be implemented in accordance with the same general principles to be applied for LEC-interconnection and that, instead of detailed rules, the FCC require licensed cellular carriers to negotiate specific interconnection agreements with cellular resellers. That approach would reduce the demand on the Commission's scarce resources and provide a practical means to implement a right of interconnection. Petition for Reconsideration at 15-16.

None of the opponents explains why licensed cellular carriers cannot engage in good-faith negotiations. For its part, AirTouch simply says that "there is no need or right for such federally mandated negotiations regarding the resellers' request to interconnect a new 'reseller's switch' to competitive cellular

facilities."¹ AirTouch Opposition at 2 n.6. Other opponents merely lament that the matter is complex and that the Commission needs to develop a record before it can authorize resellers to interconnect with licensed cellular carriers. E.g., GTE Opposition at 4 ("interconnection issue is complex and controversial"); Bell Atlantic Opposition at 14 (Commission properly recognized "the complexity of interconnection issues"); McCaw Opposition at 2 (interconnection issue mired in "undisputed complexity"); NYNEX Opposition at 3 ("this issue is complex"); CTIA Opposition at 10 (interconnection for cellular resellers "raises complex issues").

In touting the alleged complexity of the issue, the opponents raise the specter that interconnection by resellers will -- somehow, some way -- result in incalculable harm to the cellular carriers' facilities. E.g., GTE Opposition at 4 (FCC must determine "whether blanket interconnection rights might jeopardize network reliability or constrain the ability of cellular carriers to upgrade their MTSOs"); McCaw Opposition at 13 n.36 ("a reseller switch would degrade the quality of service made available to the resellers' customers"); Bell Atlantic Opposition at 16 (FCC must determine "whether the costs of interconnection are justified by benefits").

¹AirTouch's adamant refusal to negotiate is consistent with its posture in the past. CSI has made repeated efforts to engage in meaningful discussions concerning a reseller's switch and has been rebuffed at every juncture.